

**Town Board Minutes**

**Meeting  
No. 4**

***Regular Meeting***

**FEBRUARY 1, 1999**

MEETINGS TO DATE 4  
NO. OF REGULARS 3  
NO. OF SPECIALS 1

Page 76  
LANCASTER, NEW YORK  
FEBRUARY 1, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of February, 1999 at 8.00 P.M. and there were

**PRESENT:** NEIL CONNELLY, COUNCIL MEMBER  
DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

**PERSONS ADDRESSING TOWN BOARD:**

**Braun, Melvin**, 5984 Genesee Street spoke to the Town Board on the following matters:

- Congratulated Council Member Kwak upon his retirement.
- Expressed disfavor with Tops Markets for seeking a reduction of the assessment on their Genesee Street Distribution Center.

**Burry, Richard**, 6351 Broadway, spoke to the Town Board on the following Matter:

- Thanked the Town Board for investigating his complaint concerning the operation of a truck terminal at 6355 Broadway which is next to his house.

**Guenther, James**, 562 Pavement Road, spoke to the Town Board on the following matter:

- Congratulated Council Member Kwak upon his retirement.

**Hammer, Fred**, 240 Ransom Road, spoke to the Town Board on the following matters:

- Congratulated Council Member Kwak upon his retirement.
- Purchase of police vehicles under a state contract as opposed to public bid.
- Suggested adopt a hydrant program.
- Suggested town initiate a jobs program for local businesses.

- Suggested town expand and join as a collective group to influence county and state governments
- Suggested School Board be represented on IDA..
- Expressed disfavor with Tops Markets for seeking a reduction of the assessment on their Genesee Street Distribution Center.

**Schneggenburger, Roy**, 97 Stony Road, spoke to the Town Board on the following matters:

- Alleged that the Town Board did not properly approve the minutes of the January 4, 1999 Town Board meeting and therefore all actions taken at the meeting were illegal.
- Made inquiry of the Town Board relative to how bid speculations for police vehicles were advertised to interested bidders and what response was received to those bid invitations.
- Expressed disfavor with Tops Markets for seeking a reduction of the assessment on their Genesee Street Distribution Center.

**Zichittella, Robert**, 53 Country Place, spoke to the Town Board on the following matter:

- Congratulated Council Member Kwak upon his retirement.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to Chapter 50-Zoning, Section 50-43 of the Code of the Town of Lancaster entitled "Site Plan Review".

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

NONE

**OPPOSERS**

NONE

**COMMENTS & QUESTIONS**

NONE

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes taking favorable action upon this matter.

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed rezone petition of Walter/Thomas Ferry for a rezone of premises situate at the west side of Pavement Road and the north side of Nichter Road from an SGA-Sand, Gravel and Aggregates District to an R1-Residential District I.

Page 78  
Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

Thomas Ferry

**ADDRESS**

125 Nichter Road, Lancaster

**OPPOSERS**

NONE

**ADDRESS**

**COMMENTS & QUESTIONS**

Norman Bastian  
Roy Schneggenburger  
Robert Wollen

**ADDRESS**

5747 Genesee St. Lancaster  
87 Stony Road, Lancaster  
157 Nichter Road, Lancaster

ON MOTION BY COUNCIL MEMBER CONNELLY, AND SECONDED BY  
COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was  
closed at 9:02 P.M.

**PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:**

At 9:02 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon a proposed Local Law No. 1 of the Year 1999 entitled "Vehicles, Abandoned",  
designated as Chapter 47 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were  
presented and ordered placed on file.

**PROPOSERS**

NONE

**OPPOSERS**

NONE

**COMMENTS & QUESTIONS**

Bill Hammon  
Henry Gull  
Roy Schneggenburger

**ADDRESS**

142 Burlington Ave, Depew  
710 Pavement Road, Lancaster  
87 Stony Road, Lancaster

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY  
COUNCIL MEMBER CONNELLY AND CARRIED, by unanimous voice vote, the Public  
Hearing was closed at 9:20 P.M.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the minutes from the Joint Meeting of the Town Board  
and the Planning Board held on January 19, 1999, and the Regular Meeting of the Town Board  
held on January 19, 1999, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File: RMIN (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Director of Administration and Finance, by letter dated January 22, 1999 has requested the establishment of a Petty Cash Fund to be maintained by the Building Inspector's Office in the amount of \$50.00 to be used as a change fund and not for purchases in the Building Inspector's Office,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Building Inspector's Office is hereby authorized to establish and maintain a Petty Cash Fund in the amount of \$50.00 to be used as a change fund and not for purchases , in strict accordance with Section 64(1)(a) of the Town Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER CONNELLY  | VOTED YES |
| COUNCIL MEMBER KWAK      | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

February 1, 1999

File: petty cash fund

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
CONNELLY, TO WIT:

WHEREAS, Abate Engineering Associates, P.C., 4455 Genesee Street, Buffalo, New York 14225 has submitted Change Order No. 2 for the Lancaster Town Hall and Opera House Roof Replacement and Truss Repair in the additional amount of \$10,584.00 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated January 26, 1999, has recommended such change order because the inspection time on the project exceeded expectation,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 2 to Abate Engineering Associates, P.C. according to recommendations of the Town Engineer and.

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File RCHANGE.ORD (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore retained Donald Gallo, Consulting Engineer, to prepare plans and specifications and provide engineering services for the construction of a restroom building and paving improvements at Westwood Park on Pavement Road in the Town of Lancaster, New York, and

**WHEREAS**, plans and specifications have been filed with the Town Clerk, and

**WHEREAS**, the Town Board of the Town of Lancaster, after review of the plans and specifications, desires to advertise for public bids pursuant to the requirements of Section 103 of the General Municipal Law;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Sealed Bids for the construction of an expansion to the existing restroom building at Westwood Park on Pavement Road in the Town of Lancaster, Erie County, New York, will be received by the Town Clerk or his designee at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 at 10:30 A.M. Local Time, on the 24th day of February, 1999, and that a Notice to Bidders shall be published in the Lancaster Bee on February 4, 1999, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER CONNELLY  | VOTED YES |
| COUNCIL MEMBER KWAK      | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

February 1, 1999

File: mbdrrwp



TOWN OF LANCASTER, ERIE COUNTY, NEW YORK  
-----  
WESTWOOD PARK - 1999 PROJECT - CONTRACT NO. 14  
-----

NOTICE TO BIDDERS

Sealed Bids for construction of a restroom building and paving improvements at Westwood Park on Pavement Road in the Town of Lancaster, Erie County, New York, for the Town of Lancaster will be received from bidders by the Town Clerk, or his designee, at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:30 A.M., Local Time, on the 24th day of February, 1999, at which time they will be publicly opened and read aloud. The Project consists of contracts:

|               |                         |
|---------------|-------------------------|
| Contract 14E: | Electrical Construction |
| Contract 14G: | General Construction    |
| Contract 14P: | Plumbing Construction   |
| Contract 14R: | Paving Construction     |

Contract Documents may be examined at the office of the Town Clerk of the Town of Lancaster at 21 Central Avenue, Lancaster, NY 14086 and at the offices of the ENGINEER at the address listed below between the hours of 9:00 A.M. and 4:30 P.M. from February 4, 1999 to February 24, 1999 except Saturdays, Sundays, and Holidays.

Copies may be obtained from the office of the ENGINEER upon document deposit of \$100.00 for each set. The ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the document fee plus a non-refundable mailing and handling charge of Twenty-five Dollars (\$25.00) per set. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available. Neither the OWNER nor the ENGINEER will be responsible for full or partial sets of Contract Documents, including any addenda, obtained from other sources. Bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non bidders will be refunded one-half of the document deposit upon return of full sets of Contract Documents within thirty (30) days of award of the Contract. No refunds will be made for the return of additional sets. Checks for documents shall be made payable to the ENGINEER. The \$100.00 document deposit shall be in the form of two (2) \$50.00 checks made payable to the ENGINEER. Checks for mailing fees shall be made payable to the ENGINEER.

The attention of the Bidders is called particularly to the requirements with respect to conditions of employment to be observed and minimum wage rates to be paid under the contract, and further to the Affirmative Action Requirements for Equal Employment Opportunity.

The attention of the Bidders is called to the provisions of Article 5A of the General Municipal Law which requires the Bidder to execute a certificate of non-collusion and to conform with the other provisions of Article 5A outlined in the Instructions to Bidders and Supplementary Conditions. A form for such certificate accompanies the bid form. Unless it is properly executed, the bid will not be accepted.

The successful Bidder will be required to furnish Payment and Performance Bonds each in an amount equal to 100 percent (100%) of the Contract award.

For the purpose of the deposit refund, bidders shall only be considered as those that formally submit a bid at the time and place as stated above and for the purpose of the performance of the work as set forth in these Specifications.

Bid Forms shall not be removed from the Project Manual and the entire Project Manual shall be submitted with the Bid.

Each proposal must be accompanied by the deposit of a certified check, payable to the Order of the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, the successful bidder will enter into a contract for the work, and that he will execute within fifteen (15) days from the date of award, a suitable security bond in the amount of the contract, conditioned for the faithful and prompt performance and completion of the work specified in the contract.

All deposits, except that of the successful bidder, will be returned.

Upon acceptance of his bid, if the successful bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in this notice, with the time limited therein, then the check deposited as aforesaid and the moneys standing to the credit of same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

As evidence of his competency to perform the work, each Bidder shall submit with his Bid a statement of his qualifications and resources. Each Bid must contain evidence of Bidder's qualification to do business in the state where the Project is located or covenant to obtain such qualification prior to award of the Contract. Low Bidders may be asked to furnish additional data to demonstrate competency.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder or to the lowest responsive and responsible bidder, to delete bid sections or items, should it be deemed to be in the best interest of the Town of Lancaster, and in accordance with law, are herewith reserved.

The Town of Lancaster is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes which are to be incorporated into the project and which are to be separately sold by the CONTRACTOR to the OWNER prior to incorporation into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid. Sales tax will be due on all materials purchased by CONTRACTOR which are either "consumable" or rental property used by the CONTRACTOR in connection with the construction or repair.

Award of a Contract or Contracts is subject to Town of Lancaster Financing.

Consulting Engineer:

Donald Gallo, Consulting Engineer, P.C.  
589 Delaware Avenue  
Buffalo, New York 14202  
(716) 883-1234

Date of Advertisement: February 4, 1999

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER, N. Y.

Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR CONNELLY, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Police Chief of the Town of Lancaster, by memorandum dated January 27, 1999, has recommended the temporary appointment of Police Officer Erin Myers to the position of Police Detective in the Detective Bureau of the Town of Lancaster Police Department for three (3) months due to Captain Anthony Suchyna being temporarily removed from the Detective Bureau while Captain Leon Trzewieczynski is at the FBI Academy,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Police Officer Erin Myers, 66 Creekwood Drive, Lancaster, New York 14086, be and hereby is appointed to the temporary position of Police Detective in the Town of Lancaster Detective Bureau, effective January 8, 1999, at the same rate of pay as that of a starting Detective, on step, in accordance with the 1999 schedule of salaries.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 1st day of February, 1999, for the purpose of amending Chapter 50-Zoning, Article VIII, §50-43 of the Code of the Town of Lancaster, as follows:

CHAPTER 50 - ZONING

Chapter 50, Zoning, Article VIII, § 50-43 of the Code of the Town of Lancaster shall be amended by adding thereto the following::

§50-43. Site Plan Review

D. Enforcement of site plan; security.

1. Upon approval of a site plan the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within sixty (60) days of issuance of the Certificate of Occupancy by the Building Inspector unless extension is granted by the Town Board.
2. The owner/developer shall be required to post a performance bond or cash security in a form acceptable to the Town Attorney and Town Board in a sum equivalent to estimated cost of work to be completed at the time the Building Inspector issues a Certificate of Occupancy.

The Building Inspector and Town Engineer shall calculate the estimated cost of completion. Failure to comply with the conditions within sixty (60) days of posting the security or performance bond shall result in forfeiture of the bond or security.

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. That Section 50-43 of Chapter 50, Zoning, of the Code of the Town of Lancaster, County of Erie, and State of New York, be and hereby is amended by adding thereto the following:

§50-43. Site Plan Review

D. Enforcement of site plan; security.

1. Upon approval of a site plan the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within sixty (60) days of issuance of the Certificate of Occupancy by the Building Inspector unless extension is granted by the Town Board.
2. The owner/developer shall be required to post a performance bond or cash security in a form acceptable to the Town Attorney and Town Board in a sum equivalent to estimated cost of work to be completed at the time the Building Inspector issues a Certificate of Occupancy.

The Building Inspector and Town Engineer shall calculate the estimated cost of completion. Failure to comply with the conditions within sixty (60) days of posting the security or performance bond shall result in forfeiture of the bond or security.

2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 1st day of February, 1999;

3. That a certified copy of this amendment be published in the Lancaster Bee on the 4th day of February, 1999;

4. That a certified copy of this Amendment be posted on the Town Bulletin Board; and

5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER MONTOR   | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File: rzonorda.f99

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT OF CHAPTER 50 ZONING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that Chapter 50, Zoning, Article VIII, §50-43 of the Code of the Town of Lancaster be and is hereby amended by adding thereto the following

**CHAPTER 50 - ZONING  
ARTICLE VIII - §50-43  
Site Plan Review**

§50-43. Site Plan Review

**D. Enforcement of site plan; security.**

1. Upon approval of a site plan the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within sixty (60) days of issuance of the Certificate of Occupancy by the Building Inspector unless extension is granted by the Town Board.
2. The owner/developer shall be required to post a performance bond or cash security in a form acceptable to the Town Attorney and Town Board in a sum equivalent to estimated cost of work to be completed at the time the Building Inspector issues a Certificate of Occupancy.

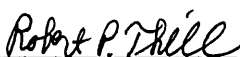
The Building Inspector and Town Engineer shall calculate the estimated cost of completion. Failure to comply with the conditions within sixty (60) days of posting the security or performance bond shall result in forfeiture of the bond or security.

**February 1, 1999**

**STATE OF NEW YORK :  
COUNTY OF ERIE : SS:  
TOWN OF LANCASTER :**

This is to certify that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 1st day of February, 1999 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town this 1st day of February, 1999.

  
Robert P. Thill, Town Clerk

(SEAL)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK , TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster has requested the purchase of One New and Unused 1999- 47" Tandem Vibratory Asphalt Roller for use by the Highway Department of the said Town, and

**WHEREAS**, the Highway Committee of the Town Board recommends that such purchase be authorized;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That bids be received by the Town Clerk on February 24, 1999 at 11:00 o'clock A.M., Local Time, for the purpose of purchasing One (1) New and Unused 1999 - 47" Tandem Vibratory for use of the Town of Lancaster Highway Department, in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER CONNELLY  | VOTED YES |
| COUNCIL MEMBER KWAK      | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

February 1, 1999

File: rntbdhwy.f99

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed Bids will be received by the Town Clerk of the Town of Lancaster or his designee, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 11:00 A.M., Local Time on the 24th day of February, 1999, for the purpose of purchasing One (1) New and Unused 1999 - 47" Tandem Vibratory Asphalt Roller, for use of the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five per centum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL**  
Town Clerk

February 1, 1999



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, David A. Kulbacki, 2 Wendling Court, Lancaster, New York, has submitted a Site Plan, for the construction of a new tire facility (**Dunn Tire**) on property located on the north side of Walden Avenue, east of Burlington Avenue, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed this project and by letter dated January 28, 1999, has recommended approval, and

**WHEREAS**, a SEQR Review was held on September 8, 1998, and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by David A. Kulbacki, and prepared by Tredo Engineers, dated December 17, 1998 for the construction of a new tire facility (Dunn Tire) on property located on the north side of Walden Avenue, east of Burlington Avenue in the Town of Lancaster, subject to the following condition:

-- receipt of area variance for parking in the  
required side yard at the front of the building.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File: rasite.299

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has previously  
advertised for bids for furnishing 1999 Police Cars to the Police Department in accordance with  
the specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were opened on January 15 , 1999 and

**WHEREAS**, the Chief of Police of the Town of Lancaster by letter dated January  
27, 1999 has recommended the purchase of vehicles in accordance with said specifications from  
the low bidder thereon, Delacy Ford, Inc., 3061 Transit Road, Elma, New York 14059;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Bid of Delacy Ford, Inc., is accepted and that an order for  
vehicles is hereby authorized to be placed by the Chief of Police as follows:

- A. The purchase of five (5) 1999 Type A Police Vehicles  
at a unit price of \$21,225.00 per vehicle = **\$106,125..**
- B. The purchase of one (1) 1999 Type B vehicle at a  
purchase price of = **\$20,980.**

2. That the following vehicles be traded to Delacy Ford, Inc., as per the  
trade-in allowances listed on the Bid Form:

- A. One (1) 1993 Ford Crown Victoria Blue  
VIN#2FACP71W1PX114842 **\$2,200.00**
- B. One (1) 1997 Ford Crown Victoria Gray  
VIN #2FALP71W1VX153229 **\$5,500.00**
- C. One (1) 1998 Ford Crown Victoria Gray  
VIN #2FALP71W8VX153230 **\$6,000.00**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER CONNELLY  | VOTED YES |
| COUNCIL MEMBER KWAK      | VOTED YES |
| COUNCIL MEMBER MONTOR    | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

February 1, 1999

File:rapolcrs.99

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No.6722 to Claim No. 6925 Inclusive

Total amount hereby authorized to be paid: **\$763,105.98**

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

| Pmt # | SW | Applicant Name           | Address               | Structure                |
|-------|----|--------------------------|-----------------------|--------------------------|
| 5569  |    | M J Ogiony               | 9 Ryan St             | Er. Sin. Dwlg            |
| 5570  |    | Ryan Homes               | 321 Enchanted Est N   | Er. Sin. Dwlg            |
| 5571  |    | Ryan Homes               | 277 Enchanted Est N   | Er. Sin. Dwlg            |
| 5572  |    | Ryan Homes               | 46 Michael Anthony Ln | Er. Sin. Dwlg            |
| 5573  |    | Ryan Homes               | 28 Village View       | Er. Sin. Dwlg            |
| 5574  |    | Markar Products Inc      | 68 Ward Rd            | Ex. Storage Bldg         |
| 5575  |    | Ryan Homes               | 36 Stream View Ln     | Er. Sin. Dwlg            |
| 5576  |    | Ryan Homes               | 26 Village View       | Er. Sin. Dwlg            |
| 5577  |    | Ryan Homes               | 48 Michael Anthony Ln | Er. Sin. Dwlg            |
| 5578  |    | Forbes Homes Inc         | 41 Stream View Ln     | Er. Sin. Dwlg            |
| 5579  |    | Terry Lasker             | 476 Central Ave       | Er. Deck #               |
| 5580  |    | Tops Mkt Inc,            | 6373 Transit Rd       | Er. Block Playland       |
| 5581  |    | Marrano/Marc Equity      | 394 Seneca Pl         | Er. Sin. Dwlg            |
| 5582  |    | Forbes Homes Inc         | 27 Regency Ct         | Er. Sin. Dwlg            |
| 5583  |    | Capretto Enterprises Inc | 29 Clermont Ct        | Er. Sin. Dwlg            |
| 5584  |    | Francis Slomba           | 1478 Townline Rd      | Er. Shed/Carport         |
| 5585  |    | Marrano/Marc Equity      | 44 Woodgate Dr        | Er. Sin. Dwlg            |
| 5586  |    | Benderson Dev            | 6733 Transit Rd       | Rem. Interior Store      |
| 5587  |    | Moeller Sign Service     | 6373 Transit Rd       | Er. Sign                 |
| 5588  |    | Alfred Zeolla            | 27 Schlemmer Rd       | Er. Garage               |
| 5589  |    | Advision Inc             | 6373 Transit Rd       | Er. Sign                 |
| 5590  |    | Ferry Brothers Inc       | 6337 Transit Rd       | Er/Alt Day Care Facility |

and.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER CONNELLY  | VOTED YES |
| COUNCIL MEMBER KWAK      | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

February 1, 1999

File:Rbldg2

Council Member Connelly requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, a vacancy exists in the position of Police Officer in the Police Department of the Town of Lancaster, due to the retirement of Officer James Miller, and

**WHEREAS**, the Chief of Police of the Town of Lancaster, by memorandum dated February 1, 1999, has recommended the appointment of **THOMAS E. BULERA** to the position of Police Officer,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **THOMAS E. BULERA**, 42 Wilkshire Place, Lancaster, New York 14086 be and is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective February 1, 1999 at a starting salary as set forth in the 1999 Schedule of Salaries for said position.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER KWAK     | VOTED YES |
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

February 1, 1999

File: RPIERS.APP (P2)

**COMMUNICATIONS:**


50. Roy Schneggenburger to Supervisor -  
November 4, 1997 letter re: Proposed right of Entry Agreement to clean a ditch on premises locally known as 87 Stony Road. DISPOSITION = Received and Filed
51. Chairman of Lancaster IDA to Town Clerk -  
Transmittal of preliminary 1999 budget for posting and public inspection. DISPOSITION = Received and Filed
52. Highway Superintendent to Town Board -  
Transmittal of the Agreement to Spend Town Highway Funds, form A.C.984, for the year 1999. DISPOSITION = Highway Committee
53. Town Clerk to Town Board -  
Transmittal of report filed by Council Member Montour re: Parking violations - Police vehicles. DISPOSITION = Received and Filed
54. Jeff Mazurek to Town Board -  
Request information re: purchase of Town owned land adjoining his property. DISPOSITION = Town Attorney and Supervisor
55. Town Clerk to Richard Zarbo -  
Conveyance of procedures re: placement of letter on a meeting's communications agenda. DISPOSITION = Received and Filed
56. Building & Zoning Inspector to Town Board -  
Request authorization to purchase a 1999 Dodge 4 x 4 pick-up truck from North Town Dodge. DISPOSITION = Received and Filed
57. Building & Zoning Inspector to Town Board -  
Request re: plumbers license requirement in the Town of Lancaster. DISPOSITION = Town Board
58. Association of Erie County Governments to Town Board -  
Notice of meeting January 28, 1999. DISPOSITION = Received and Filed
59. Michael H. Bartel to Supervisor -  
Notification of possible damage to landscaped area by Town highlift on Wendtworth Court. DISPOSITION = Highway
60. Congressman Jack Quinn to Supervisor -  
Notification of actions re: record snowfall. DISPOSITION = Received and Filed
61. Vara-Science, Incorporated to Building Inspector -  
Re: Fire inspection January 9, 1999, compliment to Assistant Fire Inspector Revelas. DISPOSITION = Received and Filed
62. Lancaster LIDA to Supervisor -  
Public Hearing set for March 26, 1999 at the Lancaster Town Hall for review of Uniform Tax Exemption Policy. DISPOSITION = Received and Filed
63. Richard Zarbo to Town Clerk -  
Comments re: letters at open meetings. DISPOSITION = Received and Filed
64. Building & Zoning Inspector to Town Board -  
Report of activities generated by the Building Inspector's Office in 1998. DISPOSITION = Received and Filed
65. Building & Zoning Inspector to Town Board -  
Replace communication # 56. New request to purchase 1999 Dodge 4x4 pick-up truck under State Bid Contract. DISPOSITION = Received and Filed
66. Council Member Montour to Mr & Mrs Roy Schneggenburger -  
Copy of 1996 letter re: drainage problem @ 87 Stony Road. DISPOSITION = Received and Filed
67. Highway Superintendent to Planning Board Chairman -  
Review & recommendation re: Eckerd Drug Store. DISPOSITION = Received and Filed



68. Chris & Henry Miklas to Supervisor -  
Recount saga of stray dog and compliments Dave Horn, Dog Control Officer, on a job well done. DISPOSITION = Received and Filed
69. Police Chief to Council Member Connelly -  
Request resolution to accept bid from DeLacy Ford for 1999 Police vehicles and make certain vehicle and budget transfers. DISPOSITION = Received and Filed
70. Erie County Department of Environment and Planning to Supervisor -  
Transmittal of copy of Executive Summary of the draft Consolidated Plan for Erie County/Towns of Hamburg and West Seneca Community Development Block Grant, HOME Investment Partnership Grant (HOME) and Emergency Shelter Grant (ESG) with notice of Public Hearing. DISPOSITION = Received and Filed
71. Supervisor to NYS Department of Transportation -  
Transmittal of copy of resolution committing the Town to enacting appropriate ordinance Re: road improvements at Walden Avenue and Central Avenue. DISPOSITION = Town Engineer
72. Assembly Member Sandra Lee Worth to Disaster Coordinator -  
Reply re: Request grant to upgrade present radio system. DISPOSITION = Received and Filed
73. Supervisor to Assistant Director of Corporate Training -  
Request re: safety grant application DISPOSITION = Received and Filed
74. Bureau of State Records to Supervisor -  
Acknowledge proclamation of emergency for Town of Lancaster January 15, 1999. DISPOSITION = Received and Filed
75. Joseph Juszcak to Town Board -  
Petition re: request for installation of four way stop signs at intersection of Pleasant View Drive and Stony Road. DISPOSITION = Safety Committee
76. Police Chief to Council Member Connelly -  
Request appointment of Erin Myers to temporary position in the Detective Bureau. DISPOSITION = Received and Filed
77. General Crew Chief to Planning Board Chairman and Council Member Stempniak -  
Recommendation re: landscaping for Dunn Tire. DISPOSITION = Received and Filed
78. Planning Board to Town Board -  
Transmittal of minutes of meeting of January 20, 1999. DISPOSITION = Received and Filed
79. Planning Board to Town Board -  
Recommendation re: site plan for Dunn Tire. DISPOSITION = Received and Filed
80. State of New York Office Of Real Property Services to Supervisor -  
Notification that the Town of Lancaster meets the standards and is eligible for a Maintenance Aid payment based on its 1997 Final Assessment Roll. DISPOSITION = Received and Filed
81. Greater Buffalo Niagara Regional Transportation Council to Town Board -  
Notice of Meeting Lancaster North-South Corridor Preservation Study. DISPOSITION = Received and Filed
82. State of New York Department of Transportation to Supervisor -  
Request input: re: NY Route 78, Transit Road from Gould Avenue to French Road Village of Depew, Erie County. DISPOSITION = Received and Filed
83. State of New York Department of Transportation to Supervisor -  
Notice of a meeting for the "Proper Maintenance and Protection of Traffic for Utility Work Permits on State Highways" and transmittal of agenda March 15, 1999. DISPOSITION = Received and Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:30 P.M.

  
Robert P. Thill, Town Clerk